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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,671	08/06/2003	Maurus Logan		1789
7590	03/03/2005		EXAMINER	
James J. Daley c/o Medcount Systems, L.L.C 30 Hillside Road Elizabeth, NJ 07208			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Office Action Summary</i>	Application No.	Applicant(s)
	10/635,671	LOGAN, MAURUS
	Examiner Jack W. Lavinder	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrell. 5354021.

Regarding claim 1, Farrell discloses an apparatus for bundling conductors comprising a cable tie (36) and a cable-encircling member (18) having a width exceeding a width of the cable tie strap. Farrell also discloses that the cable-encircling member is flat throughout a full length, i.e., the encircling member is made from a shape memory plastic material that is flat when completely stretched out and becomes a spiral coil when released from the flat condition.

Regarding claim 2, Farrell discloses an aperture (32) between the inner and outer surfaces of the encircling member for accommodating the cable tie.

Regarding claim 3, Farrell discloses a cable tie strap encircling the outer surface of the encircling member (figure 2).

Regarding claim 4, Farrell discloses a cable-encircling member with a passage (26) for the cable tie (figure 2).

Regarding claim 5, Farrell discloses a cable tie strap encircling an outer surface of the cable-encircling member and a second surface (24) encircling the conductors.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fennell, 4700432 in view of Farrell.

Regarding claim 6, Fennell discloses the method of providing a cable tie (15), a cable-encircling member having a width exceeding a width of the cable tie strap and in a flattened state throughout a full length (7, 9, 11, figure 2) and then forming the encircling member from a flattened state into a spiral coil. Fennell discloses, in combination, a hook and loop fastener with a cable tie strap for connecting the clamp to the conductors. Fennell fails to disclose wrapping the cable tie about the outer surface of the coiled encircling member.

Farrell discloses the method step of providing the encircling member in a spiral coil state and wrapping the cable tie about the outer surface of the spiral wound coil to secure the cable clamp to the conductors.

It would have been obvious to a person having ordinary skill in the art to substitute Fennell's hook and loop fastener and cable tie strap with a single cable tie surrounding the outer circumference of the encircling member, as taught by Farrell, to provide a simpler means of fastening the clamp to the conductors and reducing the

manufacturing costs associated with the elimination of the hook and loop fastening element.

Regarding claim 7, Fennell discloses an aperture (13) for receiving the cable tie strap.

Regarding claim 8, Farell discloses a cable-encircling member with a passage (26) for the cable tie (figure 2). This passage allows the cable tie strap to be flush mounted with the exterior surface of the clamp.

It would have been obvious to a person having ordinary skill in the art to have provided Fennell's encircling member with a passage, as taught by Farrell, to improve the aesthetic appearance of the cable clamp by hiding the cable tie strap within the passage.

Response to Arguments

5. Applicant's arguments filed 12/9/04 have been fully considered but they are not persuasive. See response and explanations in the body of the above rejections.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

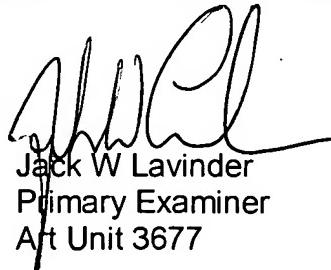
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 703-308-3421. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677